

IN THE  
Court of Appeal of the State of California

IN AND FOR THE  
Fifth Appellate District

**F042603      People v. Thomas**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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**F042603      People v. Thomas**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F043180      People v. Dunlap**

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

Pursuant to rule 30.3, California Rules of Court, it is further ordered that the remittitur issue forthwith.

**F041652      People v. Hazeltine**

The judgment is affirmed. Dibiaso, Acting P.J.

We concur: Gomes, J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F044259      Mendoza, et al., v. Despain, et al.**

Appellant having failed to perform the acts necessary to procure the record after the clerk of the trial court issued notice pursuant to the provisions of rule 8(a)(1), California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

**F044640      Gabriel v. Wilms**

Appellant having failed to perform the acts necessary to procure the record after the clerk of the trial court issued notice pursuant to the provisions of rule 8(a)(1), California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

**F039739      People v. Solis**

The judgment is affirmed. Buckley, Acting P.J.

We concur: Wiseman, J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F042350      People v. Gonzales**

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Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F042350      People v. Gonzales**

The portion of the judgment imposing an additional sentence of one year pursuant to Penal Code section 667.5, subdivision (b) is reversed. The case is remanded for the trial court to determine whether Gonzales served a prior prison term and for resentencing. In all other respects, the judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F040347      Martinez v. Martinez**

The judgment is affirmed. Costs on appeal are awarded to respondent. Levy, J.

We concur: Ardaiz, P.J.; Vartabedian, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F034873      People v. Reynoso**

Appellant's petition for rehearing filed herein is denied.

**F041846      People v. Kirk**

The judgment is affirmed. Levy, J.

We concur: Vartabedian, Acting P.J.; Harris, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F043393      In re Gino R., a Minor**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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**F043393      In re Gino R., a Minor**

The judgment is reversed and the case is remanded to the juvenile court. Upon remand, the trial court shall either, (1) resentence Gino pursuant to the plea agreement, including declaring the offense a misdemeanor, or (2) allow Gino to withdraw his no contest plea, reinstate the original charges, and conduct further proceedings as appropriate.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F043630      People v. Charlton**

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

Pursuant to rule 30.3, California Rules of Court, it is further ordered that the remittitur issue forthwith.